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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/401,576 | 09/22/1999 | THOMAS R. KNAPP | 10990600-1 | 4837 |

7590

09/05/2003

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EXAMINER

TRAN, DOUGLAS Q

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 09/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,576

Applicant(s)

KNAPP, THOMAS R.

Examiner

Douglas Q. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on CPA filed on 6/13/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 6/13/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/401,576 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3, 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Shin (US Patent No. 6,351,320 B1).

As to claim 1, Shin teaches that a method of copying a document onto a receiver, the method comprising:

Determining the characteristics of a receiver (type of media 81 in fig. 6) on which the document will be copied (col. 8, lines 55-57: the type of media is selected from the user in fig. 6 and is accessed by the printer controller);

From the characteristics, determining which pigments are required to render the receiver to a given standard (col. 8, lines 56-61 and col. 6, lines 12-20);

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Determining which pigments (i.e., color space such as CMY) are required to render a document image on the receiver (col. 6, lines 57-61 and see Mode in Output Style in fig. 6);

Generating copy pigment data (CMY and K is generated from RGB signal of image type of PDL document, col. 8, lines 60-61, 27-32) for a print engine from the determined receiver and document pigments, the print engine (94 in fig. 5) employing the copy pigment data to copy the document onto the receiver (col. 9, lines 12-24).

As to claim 3, Shin teaches that the given standard is a white color (col. 5, lines 39-40).

As to claim 5, Shin teaches that determining the characteristics of a receiver on which the document will be copied includes electronically sensing the receiver's characteristics (see media group in fig. 5).

As to claim 6, Shin teaches that determining the characteristics of a receiver on which the document will be copied includes accepting user-entered receiver characteristics (see Media 81 in fig. 6).

As to claim 7, Shin teaches that generating copy pigment data for a print engine from the determined receiver and document pigments includes adding the determined receiver and document pigments (col. 9, lines 12-15).

As to claim 8, Shin teaches that generating copy pigment data from a print engine from the determined receiver and document pigments includes modifying the copy pigment data if a pigment percentage is above a threshold amount (col. 9, lines 17-20).

As to claim 9, Shin teaches the instruction for performing the method claim 1 as indicated above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shin and Kondo (US Patent No. 6,241,339).

As to claim 2, Shin teaches every feature in claim 1 except a characteristic of the receiver is its color.

Kondo, in the same field of endeavor, teaches a characteristic of the receiver is its color (col. 43-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the type of recording media of Shin including color as taught by Kondo. The suggestion for modifying the system of Shin can be reasoned by one of ordinary skill in the art as set forth by because the more options in the characteristics of the print sheets would allow the user more easily to chose in the window and give the system more capacity to process the different type or color recording media in the printer.

6. Claims 4, and 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shin and Holm (US Patent No. 6,563,945).

As to claim 4, Shin teaches every feature in claim 1.

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However, Shin does not teach that the characteristics of a receiver on which the document will be copied include electronically scanning the receiver.

Holm teaches the receiver is scanned including the characteristic obtained (lines 3-6 in Abstract)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the printing system of Shin for determining the characteristic of the scanned receiver as taught by Holm. The suggestion for modifying the system of Shin can be reasoned by one of ordinary skill in the art as set forth above by Holm because the modified system would increase the quality of the printing image when the characteristic of the scanned receiver is analyzed.

As to claim 10, due to the similarity of this claim to those of claims 1 and 4, this claim is rejected as the reason applied to claims 1 and 4.

As to claim 11, Shin and Holm teaches the instruction for performing the method claim 10 as indicated above.

Response to Amendment and Argument

7. The indicated allowability of claims 1-11 is withdrawn in view of the newly discovered reference(s) of Holm (US Patent No. 6,563,945) to claims 4, and 10-11. Rejections based on the previous and newly cited reference(s).

The argument filed on 12/11/02, the Applicant asserted that the cited reference of Shin does not teach "from the characteristics, determining which pigments are required to render the receiver to a given standard". In reply, Shin clearly teaches that based on the

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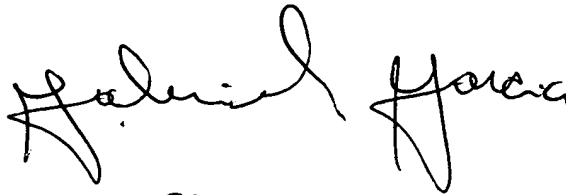
characteristics of the receiver (i.e., one of types of recording media), the pigments of the document image is determined and adjusted in order to render the image color data onto the receiver to a given standard (col. 8, lines 55-57: the type of media is selected from the user in fig. 6 and is accessed by the printer controller and col. 8, lines 56-61 and col. 6, lines 12-20).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
Sep. 02, 2003

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', with a stylized, flowing script.

**GABRIEL GARCIA
PRIMARY EXAMINER**